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Telephone : (352) 49 98 41-270

Telefax : (352) 49 98 41-220

E-mail : taxes@dennemeyer.com

P.O. Box 1502  
L-1015 LuxembourgStreet address :  
55, rue des Bruyères  
L-1274 HOWALDCOMMISSIONER OF PATENTS  
AND TRADEMARKS  
BOX M. FEE  
USA - WASHINGTON, D.C. 20231Attn: Ms. Dorethea Allen  
FAX 001-571-273-6500RE-SEND: OFFICE OF PETITIONS  
PETITION EXAMINER date June 8th, 2011  
JOAN OLSZEWSKI FAX: 001.571.273.8300Re.: Patent 5 945 370 (serial number 08/973515)  
update of 3rd maintenance fee due February 28, 201129 OCT 2011  
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Ladies and Gentlemen,

We have paid 12° year maintenance fee for referenced patent on 02/25/2011  
at USD 2055 reflecting small entity status.As per enclosed petition issued by ANAN KASEI CO., LTD, being Assignee to  
this patent as of 12/12/2007, they declare that large entity status applies to  
their company. Therefore, they request update of 12° year maintenance fee  
to reflect large entity status.We hereby ask you to deduct the additional amount of USD 2055 as well as  
any additional deficiency fees from our Deposit Account n°040750.

Thank you.

Very truly Yours  
Dennemeyer & Co. Luxembourg  
Payor Number: 287  
Carolyn BohnENCS 5 pagesOCT 05 2011  
OFFICE OF PETITIONS

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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**MAINTENANCE FEE STATEMENT**

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT. NUMBER
5,945,370	\$2,055.00	\$0.00	02/25/11	08/973,515	08/31/99	12/05/97	12	YES	IBM-5946370US

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LETTER OF ASSERTION

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TO United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450


Patent 5 945 370  
12° year maintenance fee due as of 02/28/2011

ANAN KASEI CO., LTD being Assignee of patent 5 945 370 recorded 12/12/2007 declare that we are a large entity according to USPTO standard and we hereby request 12° year maintenance fee payment due as of 02/28/2011 to be accepted at large entity tariff.

We authorize Messrs. Dennemeyer & Co, 55 rue des Bruyeres, L-1274 Howald Luxembourg on our behalf to update 12° year maintenance fee payment made in the amount of USD 2055 on 02/25/2011 into the equivalent amount.

Sincerely

阿南化成株式会社

  
YASUHARU TSURUGAI  
President

ANAN KASEI, CO., Ltd.  
Urban Ace Sannomiya Bldg8F, 1-22, Onoe-Dori 4-chome, Chuo-ku, Kobe-shi  
Hyogo, Japan  
June 03, 2011

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: ANAN KASEI CO., LTD.Application No./Patent No.: 5,945,370Filed/Issue Date: April 4th, 1997Titled: Composite oxide having oxygen absorption and release capabilities and process for preparing the same

ANAN KASEI CO., LTD.

a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

B. ☒ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as follows:

1. From: Hideo YOKOI et al To: SANTOKU METAL INDUSTRY CO., LTD.

The document was recorded in the United States Patent and Trademark Office at  
Reel 8962, Frame 815-816, or for which a copy thereof is attached.

2. From: SANTOKU CORPORATION To: ANAN KASEI CO., LTD.

The document was recorded in the United States Patent and Trademark Office at  
Reel 020234, Frame 0041, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee or concurrently is being submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Yasuharu TSURUGAI

President

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DC NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Comments

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NEW YORK NY 10022-7513

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23 MAY 2011

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MAY 18 2011

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NOTICE

In re Patent No: 5,945,370  
Issued: August 31, 1999  
Application No. 08/973,515  
Filed: December 5, 1997  
Attorney Docket No. IBM-5946370US

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed March 22, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **DISMISSED**.

The request under 37 CFR 1.28 cannot be accepted at this time since it appears that the petition is not signed by a person having authority to act in the above-identified patent.

Petitioner's attention is directed to 37 CFR 1.33(b), which states.

Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or

Patent No. 5,945,370

Page 1

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

**Further, that part of the petition that is directed to the deficiency payment is not signed by the proper party.** Accordingly, the request cannot be accepted until it is signed by all inventors, an attorney or agent registered to practice before the U.S. Patent and Trademark Office or the assignee of the entire interest under 37 CFR 3.73(b).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: A J PEACH  
DENNEMEYER & CO LTD  
REGENT HOUSE HEATON LANE  
STOCKPORT CHESHIRE  
ENGLAND SK4 1BB